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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/760,263

01/21/2004

Kia Silverbrook

RRA07US

1035

24011

7590

11/24/2006

EXAMINER

SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN, NSW 2041
AUSTRALIA

VO, ANH T N

ART UNIT

PAPER NUMBER

2861

DATE MAILED: 11/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/760,263

Applicant(s)

SILVERBROOK, KIA

Examiner

Anh T.N. Vo

Art Unit

2861

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

NON-FINAL REJECTION

Request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/11/06 has been entered.

CLAIM REJECTIONS

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 remain rejected under 35 USC 102 (b) as being anticipated Silverbrook (US Pat. 6,347,864).

Regarding claim 1, Silverbrook discloses in Figures 2-10 a print engine comprising:

- a printing fluid storage within a cartridge body (504) which is replaceable by a user;
- a printhead (516) in fluid communication with the printing fluid storage within the cartridge body (504); and
- an assembly (522, 526, 528, 518) arranged to direct air over the printhead (516), the assembly including a filter (738) (Figs 1-10, column 4, lines 53-57);

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Regarding claim 2, wherein the assembly includes an inlet (526) for receiving air from a source (522) located in the inkjet printer (500).

Regarding claim 3, wherein the printhead (516) comprises a pagewidth printhead (Figs. 5-7).

Claims 1-2 are rejected under 35 USC 102 (b) as being anticipated by Silverbrook et al (US 6,290,349).

Regarding claim 1, Silverbrook et al discloses in Figures 5, 8a and 9 a cartridge comprising:

- a cartridge body (627) for user insertion and removal from an inkjet printer (601) having a printing fluid storage (630-634) supported by the cartridge body;
- a printhead (637, 1001) mounted to the cartridge body;
- a fluid connection (629) between the printhead and the fluid storage; and
- an assembly (638, 636) arranged to direct air over the printhead, the assembly including a filter (636).

Regarding claim 2, wherein the assembly includes an inlet (639) for receiving air from a source (638) located in the inkjet printer.

Applicant's Argument

The applicant argues that the cartridge (540) of Silverbrook (5,347,864) does not have a printhead or an assembly with air filter. The argument is not persuasive. Figures 2 and 5 of Silverbrook clearly shows that the head (516) is mounted to the cartridge body (504), and the assembly (522, 526, 528, 518) has a filter (738) and is arranged to direct air over the printhead (516).

The applicant argues that the printhead of Silverbrook is a part of the non-removable sub-assemblies of the print engine (500) and the engine 500 is not a cartridge for installation and removal from the printer. The argument is not persuasive because it is based on the limitation which is not recited in claim 1. For example, there is nothing recited in claim 1 anything about

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the printhead is not a part of the non-removable sub-assemblies of the print engine and the engine is not a cartridge for installation and removal from the printer. The cartridge of Silverbrook comprises the removable cartridge body (504) and the printhead (516), and is a portion of the printer device (500).

CONCLUSION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Anh Vo whose telephone number is (571) 272-2262.

The examiner can normally be reached on Tuesday to Friday from 9:00 A.M. to 7:00 P.M..

The fax number of this Group 2861 is (571) 273-8300.

A handwritten signature in black ink, appearing to be 'Anh T.N. Vo', with a long horizontal flourish extending to the right.

ANH T.N. VO
PRIMARY EXAMINER

November 17, 2006